

REMARKS

Examiner Cumberledge is respectfully requested to enter the amendments noted above and reconsider this application. When the Examiner has received this paper and is ready to act upon it, he is requested to call the undersigned counsel for an interview.

Many of the remarks made in prior filings in this case remain applicable to the present claims. To save space, they are not repeated herein, but are incorporated by reference into this paper, and the Examiner is respectfully requested to consider them.

In addition, amendments have been made to claims 1 and 13. Claim 1 is allowable for reasons given in previous responses. In addition, the cited Allard, Assaker and Miskew references do not show or render obvious all elements of the claim. The Assaker and Miskew references do not show two spinal rods contacting hook surfaces, nor do they show hooks having threaded holes and set screws to lock the rods against an internal surface or ridge. One of ordinary skill would not find it obvious to alter them to include such structure because they teach connection directly to bone. Locking bone between a set screw and a hook will crack or otherwise damage the bone. Using the structures in those references as taught eliminates the need for a separate rod, and a support rod cannot be fit in among the bone already within the hook portions of those references. The Allard reference is not enabling concerning the connection between its structure and spinal rods, since it specifically states that it gives no description of that subject matter (see column 2, lines 42-45).

Likewise, claim 13 is allowable for previously-given reasons, and because the references do not make obvious a one-piece device as recited. One cannot start with the Allard reference because it teaches the advantages of telescoping fitting of multiple parts. The devices shown in Assaker and Miskew also require multiple pieces for their adjustability.

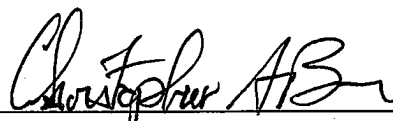
New independent claim 33 is allowable at least for the reasons given above with respect to claims 1 and 13. Favorable consideration of it is also respectfully requested.

Claims dependent from claims 1 and 13 are allowable based on that dependence, and/or on their own merit. Should it be necessary, dependent claims will be discussed individually in an interview with the Examiner, as indicated above, or in future filings in this case.

Claims cancelled in this paper or previously are cancelled without prejudice to reconsideration in this or a continuing case. No admission is being made concerning the patentability of those claims.

It should be understood that the above amendments and remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action, but are simply provided to move this case toward allowance as expediently and quickly as possible. In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the undersigned representative by telephone.

Respectfully submitted,

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SUBMISSION WITH REQUEST FOR
CONTINUED EXAMINATION
Application No. 10/695,068
Atty. Dkt. No. 4002-3432